



**Township Council**  
1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**  
*Municipal Clerk*

<http://www.bloomfieldtwpnj.com>

Meeting: 04/17/23 07:00 PM

## 2023 ORDINANCE AMENDMENT

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### **ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, AMENDMENT TO ARTICLE V, ZONING, SECTION 315-38, ZONING REGULATIONS, SUBSECTION 315-38(P), "H-D BLOOMFIELD GREEN HISTORIC DISTRICT OVERLAY" OF THE TOWNSHIP CODE**

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 315 "LAND DEVELOPMENT AND ZONING, Section 315-38, Zoning Regulations, Subsection 315-38(P) H-D Bloomfield Green Historic District Overlay of the Code the Township of Bloomfield, County of Essex, State of New Jersey, is hereby deleted in its entirety and replaced with the following:

#### **Article V. Zoning**

##### **P. Preservation of Historic Districts and Sites**

- (1) **Purpose.** This section is adopted to safeguard the heritage of Township of Bloomfield, preserving the elements of its cultural, social, economic and architectural history. The character, lifestyle and quality of life in Bloomfield depend in great measure on Bloomfield's heritage and the ongoing presence of historic landmarks is an essential element of municipal character and identity. Historic landmarks are a factor in the economy of the municipality and the property values therein, and such landmarks are a concern for the community and a source of civic pride. Such landmarks are vital to the education and civic awareness of Bloomfield's citizens. Historic landmarks serve to unite past, present and future generations, and the welfare of Bloomfield is dependent upon the preservation of its historic heritage.
- (2) **Historic Preservation Commission.** This section supplements Ordinance No. , codified in Chapter 302 of the Township Code, which created the Township of Bloomfield Historic Preservation Commission.
- (3) **Objectives.** The Township of Bloomfield recognized that it has areas, places and structures of historic, archaeological and architectural significance. It is in the interest of the general welfare to preserve these areas, places and structures and to ensure that new development is compatible and relevant with these areas, places and structures. This section will achieve these purposes and objectives and will promote the preservation of the environment, promote a desirable visual

environment through creative development techniques and good civic design and arrangements, provide community education, prevent the degradation of the environment through improper use of land and promote the most appropriate use of land in the Township.

- (4) Definitions. (All terms not defined herein shall have the meanings set forth in the Township’s Land Development Ordinance, Chapter 315, or the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*)

**ADDITION:** An extension or increase in Building size, volume or floor area.

**ADMINISTRATIVE OFFICER:** The Zoning Official of the Township of Bloomfield.

**ALTERATION:** A change or rearrangement of exterior structural parts or exterior architectural features not leading to an increase in Building size, volume or floor area.

**APPLICATION:** The submissions required by this Chapter necessary for the Commission to perform its responsibilities hereunder.

**APPLICATION FOR DEVELOPMENT:** The application submitted to the Planning Board or the Zoning Board of Adjustment, as appropriate, seeking approval of a major or minor subdivision, a major or minor site plan, variances pursuant to N.J.S.A. 40:55D-70(c) and (d), conditional uses, or any other relief necessary from the provisions of Chapter 315 of the Bloomfield Code

**BUILDING:** Any Structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, equipment, enterprise, goods or materials of any kind.

**CERTIFICATE OF APPROPRIATENESS:** An approval issued by the Historic Preservation Commission pursuant to section 7 herein.

**COMMISSION:** The Historic Preservation Commission established by Chapter 302.

**CONSTRUCTION CODE OFFICIAL:** The Construction Official of the Township of Bloomfield when acting pursuant to the Municipal Land Use Law, this Ordinance and the New Jersey Uniform Construction Code.

**DEMOLITION:** The partial or total razing, dismantling or destruction of any building, structure or site in a Historic District or on a Historic Site. Demolition includes the removal of any building or any portion of a building in a District or on a Site.

**DESIGNATED SITE OR DISTRICT:** An individual building, structure, site, object or district which has been designated as having historical, architectural, cultural, aesthetic or other significant characteristic as identified pursuant to the provisions of this Chapter.

**FAÇADE:** The exterior surface of a Building.

**HISTORIC** - Having historical, architectural, cultural, aesthetic or other characteristics deemed significant under the provisions of the Chapter.

**HISTORIC DISTRICT:** One or more Historic Sites and intervening or surrounding properties significantly affected by or affecting the quality and character of the Historic Sites.

**HISTORIC SITE:** Any real property or man-made structure located on real property with historical, architectural, cultural or aesthetic significance.

**IMPROVEMENT:** Any Building or Structure or any man-made part thereof or any alteration or addition to any such Improvement.

**PERMIT:** Any approval required by State law, including but not limited to N.J.A.C. 5:23-2.14, or by local ordinance, to perform exterior work on a Historic Site or in any Historic District, or involves demolition or relocation. "Permit" shall include, without limitation, a building permit, a demolition permit, or a permit to move, convert, relocate, remodel or change the use or occupancy of any Historic Site or any Building or Structure in a Historic District required to be obtained by the building department, whether such change involves fencing, signs, lighting or any structural component thereof. "Permit" shall also include a Certificate of Appropriateness required hereunder when no other Permit may be required

**RECONSTRUCTION:** The construction of a damaged Building or Structure in substantially the same location and design as before the date it was damaged.

**RELOCATION:** The transport of a Building to a new location, by means adequate to assure structural and architectural integrity, for continuation of the designed use of the Building or an adaptive reuse.

**REPAIR:** Any work done on any Improvement which a) is not an addition to the Improvement; and b) does not change the exterior architectural appearance of any Improvement.

**STRUCTURE:** A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

**SURVEY REPORT:** As defined in Chapter 302, Section 302.8(A).

- (5) Designation of Historic Districts and Sites.
  - (a) Preparation of Survey Report. Based on the survey or upon recommendation of concerned citizens, the Commission shall document the importance and historical significance to the Township, State and Nation of each district and site worthy of designation in terms of the purpose and criteria set forth in this section. Except for all Sites and for all properties in Historic Districts identified in the Historic Preservation

Element of the Master Plan as of the effective date of this Act, the Commission, by certified mail, shall:

- [1] Notify each owner that his property has been nominated to be designated an historic site or to be included in a historic district.
  - [2] Advise each owner of the significance and consequences of such nomination and advise him of his opportunities and rights to challenge or contest such designation.
- (b) Public Hearings. The Commission shall, as soon as practicable, make public the Survey Report, which shall include a complete list and map of the nominated designated sites and properties within historic districts specifying the locations, boundaries and popular names thereof. In designating any site or district historic, the Commission may determine and so specifically designate certain buildings or structures on a site or certain properties within a district as noncontributing to the designation. A building, structure or property designated as noncontributing shall not be subject to the provisions of this Act. The tentative list and map shall thereafter be submitted at a public hearing to the examination and criticism of the public. Interested persons shall be entitled to present their opinions, suggestions, and objections at this public hearing. A list and map showing proposed historic districts and sites shall be published, together with a notice of the hearing on same, in the official newspaper of the Township not less than ten (10) days prior to such hearing. Additionally, each owner of each property recommended for designation shall be sent notice of the hearing by certified mail, which notice shall be mailed no less than ten (10) days prior to the scheduled hearing. A public hearing subject to the procedures set forth herein shall be provided to owners of all properties identified in any amendments to the initial Survey Report, whether as an addition or a deletion to the list of designated sites and districts.
- (c) Final Decision by Commission. After full consideration of the evidence brought forth at the hearing, the Commission shall make its final decisions on the designations and shall issue its final report to the public stating reasons in support of its actions with respect to each historic designation.
- (d) Submission of Survey Report to Township Clerk and Planning Board. The Survey Report, as may be amended from time to time, shall be submitted thereafter to the Secretary of the Planning Board and to the Township Clerk. No ordinance effectuating the recommendations set forth in the Survey Report shall be introduced unless and until the recommended designations have been incorporated into the Historic Preservation Element of the Master Plan, as required by N.J.S.A. 40:55D-65.1. Prior to adoption of an ordinance effectuating some or all of the recommendations of the Survey Report, the Governing Body shall refer same to the Planning Board pursuant to N.J.S.A. 40:55D-26.

- (e) Any property, site, Building, Structure or District listed or eligible for listing on the State or National Registers of Historic Places is hereby deemed a designated Historic Site or District under this Ordinance.
- (f) A list of all designated Historic Sites and Districts and those properties, sites, Buildings, Structures and Districts listed or eligible for listing on the State or National Registers of Historic Places is attached hereto as Attachment A.
- (g) Distribution of Designation List and Zoning Map. A list of all Historic Sites and all properties in Historic Districts, as adopted by ordinance, shall be made public and distributed to all municipal agencies reviewing development applications and all building and housing permits. A certificate of designation shall be served by certified mail upon the owner of each property designated as a Historic Site or included in a Historic District with thirty (30) days after the adoption of the pertinent ordinance and at least once each year thereafter.
- (h) Placement of Plaques. Each designated Site or property in a Historic District may be marked by an appropriate plaque which shall be in such form as the Commission shall promulgate by regulation.
- ig) Criteria for Designation of a Landmark. In considering an individual site, building or structure or district that is of particular historical, archaeological, scenic or architectural significance to the Township of Bloomfield, the County of Essex, the State of New Jersey or to the Nation which reflects or exemplifies the broad cultural, political, scenic, economic or social history of the Nation, State or locality, the Historic Preservation Commission shall give consideration to the following criteria:
  - [1] May be of particular historic significance to the Township by reflecting or exemplifying the broad cultural, political, economic or social history of the nation, state or community; or
  - [2] May be associated with historic personages important in national, state or local history;
  - [3] If a site of a historic event which had a significant effect on the development of the nation, state or community;
  - [4] Embodies distinctive characteristics of a type, period or method of architecture or engineering;
  - [5] Represents the work of an important builder, designer, artist or architect; significant for containing elements of design, detail, materials or craftsmanship which represent a significant innovation;

- [6] Is able or likely to yield information important in prehistory or history; or
- [7] Meets the criteria established by the National Register Criteria for Evaluation in the Code of Federal Regulations (Title 36, B part 60), as same may from time to time be supplemented or amended.

(6) Referrals from the Planning Board and Zoning Board of Adjustment.

The Planning Board and Zoning Board of Adjustment shall refer to the Commission every application for development submitted to the Planning Board or Zoning Board of Adjustment for property in a designated Historic District or on the property of a designated Historic Site. This referral shall be made by the Secretary to the Board or the Administrative Officer within ten (10) days after the application is deemed complete and prior to the hearing before the Planning Board or Zoning Board of Adjustment. Failure to refer the application to the Commission or the failure by the Commission to act on the application prior to the hearing before the Planning Board or Zoning Board of Adjustment shall not invalidate any such Board hearing or proceeding. However, failure to refer will not deprive the Commission of its jurisdiction to review an application for a permit under subsection (7) hereof, set forth below. The Commission shall hear such applications employing the procedures set forth in Chapter 302 and the criteria set forth in this Act. The Commission shall prepare a written report, resolution, or correspondence to the Planning Board or Zoning Board with its findings and recommendations. The Commission may also designate a representative of the Commission to appear before the Planning Board or Zoning Board of Adjustment to testify at the hearing on the application and to explain any written report which may have been submitted.

(7) Certificate of Appropriateness.

(a) Actions Requiring a Certificate of Appropriateness. A Certificate of Appropriateness issued by the Commission shall be required before a permit is issued for any of the following, or, in the event no other type of permit is otherwise required, before any work can commence on a Historic Site or on any property in a Historic District:

- [1] Partial or total demolition of any improvement;
- [2] Relocation of any improvement;
- [3] Change in the exterior elevation of any improvement, including, without limitation, any increase in the square footage of the improvement, and replacement of or modifications to siding, windows, doors, roofing or fencing;
- [4] New construction of a principal or accessory building;
- [5] Removal or replacement of bluestone sidewalks; and

- [5] Any change in existing signs or exterior lighting or the addition of new signage or lighting.
- (b) Actions Not Requiring a Certificate of Appropriateness.
  - [1] ; Improvements subject to HPC review under section 6 herein;
  - [2] Improvements to or demolition of a noncontributing improvement if so identified as such in the Survey Report;
  - [3] Interior improvements, unless the interior renovations would have an impact on the exterior of the building;
  - [4] ;
  - [4] Repair of existing siding, windows, doors, roofing or fencing, provided there is no change in design, scale, materials or appearance;
  - [5] Landscaping improvements;
  - [6] Exterior or interior painting; and
  - [7] When an improvement on a Historic Site or located within a Historic District requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with Township codes without first obtaining a Certificate of Appropriateness. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of its occupants or others and/or to maintain habitability. A request for the Commission's review shall be made simultaneously with the onset of emergency work, and no work in addition to the emergency repairs shall be performed on the structure until an appropriate request for approval is made and approval is obtained in accordance with the procedures set forth in this article. All work done under this section shall conform to the standards set forth in subsection 9, hereof.
- (8) Applications for a Certificate of Appropriateness.
  - (a) All Permit applications submitted to the Administrative Officer or the construction office shall be reviewed to determine whether an application for a Certificate of Appropriateness is required pursuant to the provisions of this Act. Any such determination shall be made in writing, with copies to the applicant and the Commission.
  - (b) For projects not requiring any other Permit, it shall be the responsibility of the owner of property subject to this Act and the owner's contractors to determine whether a Certificate of Appropriateness is necessary and to file the required application with the Commission.

## (c) Application Procedure.

- [1] An application for a Certificate of Appropriateness shall be made on forms created by the Commission, which shall be available to the public through the Administrative Officer of the Township of Bloomfield. Completed applications shall be returned to Administrative Officer. The application fee shall be \$100.00.
- [2] In addition to the application forms created by the Commission and the application fee, each application for a Certificate of Appropriateness shall include:
  - (i) A current survey showing all existing improvements, including landscaping and fencing;
  - (ii) If any other Permits were required, the Permit application in full;
  - (iii) Photographs of the subject property depicting existing conditions of all improvements and all yard areas;
  - (iv) Photographs of the four nearest properties on each side of the subject property and fronting on the same side of the street;
  - (v) Renderings of the property depicting proposed conditions; and
  - (vi) Architectural plans, lighting plans, signage details, manufacturer samples and all other documents depicting the proposed improvements in sufficient detail as to allow the Commission to identify the scope of the proposed improvements, how they would change the appearance of the property, the materials proposed to be used, including their textures and colors, and any other information the Commission shall identify in its rules or regulations which will allow it to fully review the impact of the proposed improvements.

## (d) Decisions by Commission.

- [1] The Commission shall review applications for Certificates of Appropriateness at a public hearing. The applicant(s) shall be required to appear or to be represented at any meeting of the Commission at which the Commission will consider the application, regardless of the ultimate findings and report of the Commission. All hearings shall be recorded.
- [2] As soon as possible, but no later than 45 days after the administrative officer has referred the application to the Commission, the Commission shall return to the Administrative

Officer its written report granting or denying the application, which report may be stated in resolution form. The Commission shall file said report with the Administrative Officer, together with the Certificate of Appropriateness if granted, within 10 days of the Commission's decision on the application and, on the same date, shall forward a copy of the report and the Certificate of Appropriateness to the applicant by personal service or by certified mail, return receipt requested.

- [3] If, within the above 45-day period, the Commission has denied the issuance application or recommended that the applicant meet certain conditions, the Administrative Officer or construction official, as the case may be, shall deny issuance of the Permit or include the conditions in the Permit, consistent with the decision of the Commission.
- [4] If the only Permit required is the Certificate of Appropriateness, the Administrator Officer or construction official shall determine compliance with the Commission's decision in the same fashion as compliance is determined for applications approved by the Planning Board or Zoning Board of Adjustment.
- [5] Failure of the Commission to report within the 45-day period, unless extended pursuant to these provisions, shall constitute an approval of the application as submitted, without recommendations or conditions.
- [6] Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.
- [7] After a certificate of appropriateness has been issued by the Commission, the Administrative Officer shall, from time to time, inspect the work approved by the Commission and report to the Commission any work not in accordance with such resolution of approval and the corresponding certificate of appropriateness.
- [8] A Certificate of Appropriateness shall be valid for a period of one year from the date of its issuance unless reasonable extensions are granted by the Commission.
- [9] Issuance of a Certificate of Appropriateness, with or without conditions or recommendations, shall be deemed to be final approval pursuant to this Act. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other Township ordinance to be made prior to undertaking the action requested concerning Historic Sites or property in a Historic District.

[10] Denial of a Certificate of Appropriateness shall be deemed to preclude the applicant from undertaking the activity applied for.

(9) Standards of Review.

(a) When making decisions pursuant to its authority under this Ordinance, the Commission shall be guided by the Master Plan, the purposes of this Ordinance, and the provisions of this subsection as may be applicable to the particular application. The Commission shall also be guided by the criteria set forth in the United States Department of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, and any other guidelines that may be adopted by the Commission or the Township of Bloomfield..

(b) With respect to all applications submitted to the Commission, the following factors shall be considered in the decision-making process:

[1] The impact of the proposed change on the historic and architectural significance of the site and/or the historic district;

[2] The site's importance to the Township and the extent to which its historic or architectural interest would be adversely affected to the detriment of the public interest;

[3] The extent to which the proposed action would adversely affect the view of a historic site or within a historic district;;

[4] If the application concerns a property within a Historic District, the impact the proposed change would have on the District's architectural or historic significance and the visual compatibility of the improvements with the other properties in the District;

[5]

(c) With respect to an application for new construction, the following factors shall be also considered in the decision-making process:

[1] Height. The height of the proposed improvements shall be visually compatible with adjacent buildings;

[2] Proportion of the building's front facade. The relationship of the width of the building to the height of the front elevations shall be visually compatible with the buildings and properties to which it is visually related;

[3] Proportion of openings within the facade. The relationship of the width of windows and doors to the height of windows and doors in a building shall be visually compatible with the buildings and properties to which it is visually related;

- [4] Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with buildings and properties to which it is visually related;
- [5] Rhythm of solids to voids on facades fronting on public places. The relationship of solids to voids in such facades of a building shall be visually compatible with buildings and properties to which it is visually related;
- [6] Rhythm of entrances. The relationship of entrances and porches to the street shall be visually compatible to the buildings and places to which it is visually related;
- [7] Relationship of materials. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in Buildings to which it is visually related;
- [8] Roof. The roof shape of a building shall be visually compatible with the buildings to which it is visually related;
- [9] Continuity of walls. Appurtenances of a building such as walls, open fencing, evergreens, and landscaping shall form cohesive walls of enclosure along a street to the extent necessary to maintain visual compatibility of the Building with the Buildings and properties to which it is visually related;
- [10] Scale of buildings. The size of a building, mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the Buildings and properties to which it is visually related;
- [11] Directional expression. A building shall be visually compatible with buildings and properties to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character;
- [12] Exterior features. A structure's related exterior features, such as lighting, fences, signs, sidewalks, driveways, and parking areas, shall be compatible with the features of those structures to which it is visually related and shall be appropriate for the historic period for which the structure is significant; and
- [13] Noting herein shall be deemed to require or prohibit any particular architectural style; rather, its purpose is to preserve the past by making the past compatible with and relevant to the present. To that end, new construction upon or near a designated Historic Site or within a designated Historic District should not necessarily duplicate the exact style of the Historic Site or Historic District;

however, it must be compatible with and not detract from the Historic Site and/or Historic District.

- (d) With respect to an application for Alterations and/or Additions, the following factors shall be considered in the decision-making process:
- [1] Design and materials. The proposed design and materials will conform to the building's original architectural style when technically and economically feasible. Although applicants are encouraged to utilize materials and designs appropriate for the period when the structure was built, the Commission can approve alternative materials and/or design changes;
  - [2] Original qualities. The distinguishing original qualities or character of a building, structure or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;
  - [3] Acquired significance. Changes that have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;
  - [4] Repair versus Replacement. When feasible, deteriorated architectural features (e.g., windows, doors, shutters, trim, siding, etc.) should be repaired rather than replaced. In the event replacement is necessary, owners are encouraged to match the new material with the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather than conjectural designs or the availability of different architectural elements from other buildings or structures;
  - [5] Design of Alterations. Contemporary design for Alterations and Additions to existing properties should not be discouraged when such Alterations and Additions do not destroy significant historic, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;
  - [6] Character of Alterations. Wherever possible, new Additions and Alterations to structures shall be done in such a manner that if such Additions or Alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired;

- [7] Synthetic materials Synthetic materials are generally not acceptable on a Historic Site or on a property within a Historic District. However, the Commission may approve alternative materials if the applicant demonstrates its appropriate use. Architectural trim should be retained; and
  - [8] Window and door materials and openings. The number, size and locations of original window and door openings should be retained to the extent possible. Window and door openings should not be reduced to fit stock material. New window and door openings should not be added on elevations that are subject to view from a public street unless the change would not adversely affect the historic district. Vinyl, vinyl-clad, aluminum, aluminum-clad windows and doors are generally not acceptable on a Historic Site or on a property in a Historic District.
- (e) With respect to applications for the demolition of improvements on a Historic Site or on property in a Historic District, the following matters shall be considered in the decision-making process:
- [1] Its Historic, architectural, cultural or scenic significance;
  - [2] If the improvement is within a Historic District or on a Historic Site, the significance of the improvement in relation to the Historic character of the District or Site and the probable impact of its removal on the District or Site;
  - [3] Its potential for use for those purposes currently permitted by the Zoning Ordinance;
  - [4] Its structural condition and the economic feasibility of alternatives to the proposal;
  - [5] Its importance to the Township and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest;
  - [6] The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could be reproduced only with great difficulty and expense;
  - [7] The extent to which its retention would promote the general welfare by maintaining and increasing the real estate values, generating business, attracting tourists, attracting new residents, stimulating interest and study in architecture and design, or making the Township an attractive and desirable place in which to live;
  - [8] Whether a structure is deemed by the construction official to be a hazard to public safety or health and repairs are impossible;

- [9] Whether a structure is a deterrent to a major public improvement program which will be of substantial benefit to the Township;
  - [10] Whether restoration of such structure would cause undue financial hardship to the owner, which is defined as a situation where more funds than are reasonable would be required to retain the structure; and
  - [11] Whether the retention of such structure would not be in the interest of the Township as a whole.
- (f) With respect to an application to relocate an improvement on a Historic Site or on a property within a Designated Historic District, the following matters shall be considered in the decision-making process:
- [1] The Historic loss to the site of original location and the Historic District as a whole;
  - [2] The reasons for not retaining the improvement at its present location;
  - [3] The compatibility, nature and character of the current and of the proposed surrounding areas as they relate to the protection of interests and values referred to in this Act;
  - [4] The probability of significant damage to the Historic Site or the Historic District;
  - [5] If the proposed new location is within a Historic District, visual compatibility factors as set forth in Subsection 9(c), above;
  - [6] If it is to be removed from the Township, the proximity of the proposed new location to the Township, including the accessibility to the residents of the Township and other citizens;
  - [7] Whether a structure is deemed by the construction official to be a hazard to public safety or health and repairs are impossible;
  - [8] Whether a structure is a deterrent to a major public improvement program which will be of substantial benefit to the Township;
  - [9] Whether restoration of such structure would cause undue financial hardship to the owner, which is defined as a situation where more funds than are reasonable would be required to retain the structure; and
  - [10] Whether the retention of such structure would not be in the interest of the Township as a whole.
- (g) With respect to any application involving a Historic Site or a property in a Historic District with bluestone sidewalks in the right-of-way along the property's frontage, the following shall apply:

- [1] No person shall remove or reconstruct any bluestone sidewalk located on any public street or right-of-way in a Historic District or along the frontage of a Historic Site except pursuant to this Section;
  - [2] Any person seeking to remove, replace or reconstruct bluestone sidewalk located on any public street or right-of-way in a Historic District or along the frontage of a Historic Site shall obtain a Certificate of Appropriateness from the Commission prior to the issuance of a Permit permitting any work on a bluestone sidewalk;
  - [3] All bluestone sidewalk removed upon the issuance of a Permit pursuant to this subsection shall be replaced with bluestone sidewalk; and
  - [4] All bluestone sidewalk removed pursuant to a Permit issued pursuant to this subsection shall be delivered to the Township at a location designated by the construction official. The Township may use any received bluestone to repair or replace damaged or missing bluestone sidewalk in a Historic District or fronting on a Historic Site.
- (10) Public Reservation Option in the Event of Denial of a Demolition Application.
- (a) Whenever the Commission denies an application for a Permit to demolish or relocate an improvement on a Historic Site or on a property in a Historic District, the Administrative Officer shall refer the application to the Planning Board for consideration under the provisions of N.J.S.A. 40:55D-44.
  - (b) If the Planning Board determines to exercise the public reservation option under N.J.S.A. 40:55D-44, an appraisal of the fair market value of the subject property, including improvements, shall be made, at the Township's expense. The applicant or owner also may obtain an appraisal of the fair market value of the subject property, at its expense. If the applicant's or owner's appraisal is within ten percent of the Township's appraised fair market value, the fair market value shall be determined to be the average of the two appraisals. If the difference is more than ten percent, and both appraisals were performed within the same one-year period, the appraisals shall be referred to a third, neutral appraiser to determine the fair market value, with the costs of the third appraisal split between the Township and the applicant or owner.
  - (c) If the applicant or owner intends to continue to pursue the demolition or relocation application, regardless of any reservation by the Planning Board, it shall for a period of one year from the date of the permit denial, make bona fide and diligent efforts to sell the subject property to any person, firm, organization, governmental agency or political subdivision that provides reasonable written assurance that it is willing to preserve the

subject property. The applicant shall not be obligated to accept less than the subject property's fair market value as determined in subsection 11(b), above.

- (d) The applicant may reapply for a Certificate of Appropriateness after the passage of the one-year public reservation period if, during the period of reservation, if any, or during the period in which the property is offered for sale, bona fide and diligent efforts to sell or otherwise transfer the property for fair market value prove futile. Upon the Commission's satisfaction with applicant's demonstration of proof of bona fide and diligent efforts to sell or otherwise transfer the property for fair market value, a Certificate of Appropriateness shall be approved.

(11) Appeals.

The grant or denial of a Certificate of Appropriateness may be appealed to the Zoning Board of Adjustment pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-70(a). The Zoning Board of Adjustment's review shall be based on the record created before the Commission, without further testimony or evidence. The appellant shall be responsible for providing the Board of Adjustment and any other interested parties with a copy of the transcript of the hearing before the Commission and all exhibits and other documents presented to the Commission. The Commission's decision shall be affirmed unless the Zoning Board of Adjustment determines that the Commission lacked jurisdiction, acted in an *ultra vires* manner, or that its decision was arbitrary and capricious. The Zoning Board of Adjustment can request briefing from the appellant, the Commission and other interested parties and shall permit all interested parties to make an oral presentation. Nothing herein shall be deemed to limit the right of judicial review by an interested party after an appeal is concluded by the Board of Adjustment, or as provided by law.

(12) Violations and penalties.

- (a) Any person who shall undertake an activity which requires approval from the Commission but fails to obtain that approval prior to conducting the activity, shall be deemed to be in violation of this Act. Upon learning of the violation, the Zoning Officer shall cause to be served personally upon the owner of the property whereon the violation is occurring a notice describing the violation and giving the owner ten days to abate the violation by restoring the property or structure to its condition prior to the occurrence of the violation. If the owner cannot be personally served within the Township with a notice, a copy shall be posted on the Township website and a copy sent to the owner at their last known address as it appears on the Township tax records.
- (b) In the event that the violation is not abated within ten days of service or posting on the website, whichever is earlier, the Zoning Officer shall cause to be issued a summons and complaint, returnable in the Municipal Court, charging violation of this Act and specifying the wrongful conduct of the

violator. Each separate day the violation exists shall be deemed to be a new and separate violation of this Ordinance.

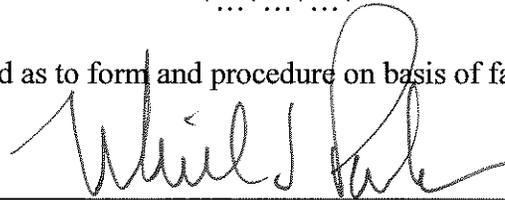
- (c) The penalty for violation shall be as follows:
  - [1] For each day up to ten days, not more than \$100.00 per day;
  - [2] For each day from eleven days to twenty-five days, not more than \$150.00 per day;
  - [3] For each day beyond twenty-five days, not more than \$200.00 per day.
- (d) In lieu of the assessment of penalties, the Zoning Officer is authorized to seek injunctive relief ordering the owner of the property and/or its agents or others conducting the activity in violation, to halt that activity and restore the property to its condition prior to the activity in violation. Such action shall be filed in the Superior Court of New Jersey, Law Division. Such injunctive relief may be in addition to the penalties authorized under this section of the Act.

(13) Designation and Regulation of Historic Districts.

- (a) Historic Districts Designated.
  - [1] The Bloomfield Green Historic District is designated as a Historic District in the Township of Bloomfield and shall consist of those properties, or parts thereof, designated in Ordinance No. 302 .
- (b) Zoning Regulations Governing Historic Districts.
  - [1] H-D Bloomfield Green Historic District Overlay. The intent of the overlay district is to recognize and protect the historic focal point of the Township and protect those properties and buildings located within the district through the regulations within the Historic Preservation Ordinance and as follows:
    - (i) In the H-D Bloomfield Green Historic District, the following minimum bulk and setback regulations shall apply in areas zoned R-1A: lot area shall be 6,000 square feet; lot width shall be 60 feet; and the front yard setback shall not be less than the average of the front yard depths of the structures located adjacent to the lot in question.
    - (ii) All other underlying zoning district regulations applicable to properties in the H-D Bloomfield Green Historic District shall govern development in the District.
    - (iii) Development of all properties in the Bloomfield Green Historic District also shall be subject to the standards and requirements set forth in this Act.

\*...\*...\*

Approved as to form and procedure on basis of facts set forth.

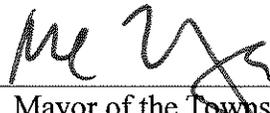


Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on April 17, 2023.



Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Table						
<input type="checkbox"/> Not Discussed						
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Table with no Vote						
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						
	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn						
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	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	